

## **ORDINANCE NO. G-1201**

**AN ORDINANCE AMENDING TITLE III. TRAFFIC CODE, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS, BY ADDING SECTION 302.120 AMENDING SECTION 300.030.2, PRELIMINARY BREATH TEST, OF THE STANDARD TRAFFIC ORDINANCE.**

**WHEREAS**, Junction City recognizes the importance of being consistent with state law, when it comes to impaired driving investigations.

**WHEREAS**, Junction City recognizes a need to deter and enforce impaired driving.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:**

**SECTION 1. ARTICLE III. TRAFFIC CODE, of the Municipal Code of the City of Junction City, Kansas, is hereby amended by adding the following section to CHAPTER 302: GENERAL PROVISIONS:**

**SECTION 302.120 – Amendment to Section 300.030.2 of the Standard Traffic Ordinance; PRELIMINARY BREATH TEST.**

- A. Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva, or both, subject to the provisions set out in subsection B.
- B. A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath or saliva, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
- C. At the time the test is requested, the person shall be given oral notice that:
  - 1. There is no right to consult with an attorney regarding whether to submit to testing;
  - 2. Refusal to submit to testing is a traffic infraction; and
  - 3. Further testing may be required after the preliminary screening test.

Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.

- D. Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the

preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.

- E. Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto.

**SECTION 2.** This ordinance shall become effective upon publication in the Junction City Daily Union as required by law.

PASSED AND ADOPTED THIS 15TH DAY OF NOVEMBER, 2016.



MICK MCCALLISTER  
Mayor

ATTEST:

Shawna Settles  
City Clerk